

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. LA CV 20-02291-DOC-KES

Date: May 9, 2020

Title: LA ALLIANCE FOR HUMAN RIGHTS ET AL. v. CITY OF LOS ANGELES ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Kelly Davis
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): OMNIBUS ORDER RE: ONGOING
SETTLEMENT NEGOTIATIONS**

I. Structure of Settlement Negotiations

The Court, having considered that no party has provided a clear structure in which to proceed forward with these complicated settlement discussions, hereby PROPOSES the following comprehensive structure for the ongoing negotiations. The parties should be prepared to discuss the following items:

- Housing Accommodations
 - Identification of Various Types of Housing
 - Units/Beds per Type
 - Service Level per Option
 - Funding per Option
 - Distribution of Option Types by District, Region, or Hybrid
 - Identification of Public Property Sites to Hold Housing
 - Timeline to Construct or Acquire the Housing
 - Agreement on Timelines from City Council and Supervisorial Districts

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- Transition from Covid-19 Interim Plan to Long-Term Plan
- Complication and Submission of Shelter Data/Tracking Systems
- Barriers to Achievement
 - Systemic Policies/Procedures
 - Regulations/Environmental Concerns
 - Jurisdictional Issues
 - Funding Streams/Allocation
 - Zoning/Land Use
 - Cooperation among Government Entities

II. Review of Properties in Conjunction with Caltrans

The Court has been informed that the City and County of Los Angeles have agreed to work with Caltrans on the following timeline: First, the City and County shall respond to Caltrans on or before May 14, 2020, identifying from the nineteen properties submitted by Caltrans which properties the City and County intend to move forward with, and providing tentative plans on the types of accommodations that will be used on each property (e.g., pallet shelters). Second, Caltrans shall then respond to the City and County, on or before May 28, 2020, regarding its environmental or other concerns with the tentative plans for the chosen properties. Finally, the City and County shall draw up plans for each of the individual sites on or before June 11, 2020. The Court hereby REQUESTS that, during this process, the City, County, and Caltrans shall begin working together to form leases on the subject properties immediately upon receiving notice of Caltrans's environmental and other concerns.

III. Full Extent of Available Properties

The Court has received conflicting representations from the parties as to how many City- and County-owned properties are available for use as homeless shelters. In order to proceed effectively with the ongoing settlement negotiations, the Court hereby REQUESTS that the parties compile and submit a comprehensive list of all City- and County-owned properties available for use as homeless shelters, thereby providing the Court with information necessary to conduct meaningful settlement negotiations.

For example, in a report of the Chief Legislative Analyst dated April 23, 2020, in response to the City Council's Motion in Council File No. 20-0147-821, regarding vacant and underused City properties, the Chief Legislative Analyst presents a chart of nineteen vacant or underused City properties that can be used for emergency housing and safe camping. The Court is unsure whether this list of nineteen properties is the full universe of vacant or underused City properties available for consideration during settlement

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negotiations in this matter. The Court notes that the list appears to refer only to short-term, emergency-use options.

Similarly, that same report notes that “Recreation and Parks has identified 42 sites for emergency shelters and trailers to serve the homeless population. Since the introduction of the Motion [on March 17, 2020], the City has taken steps to activate 24 emergency shelters at these recreational facilities. These sites have approximately 1,000 beds.”

The Court has also previously received, through Special Master Michele Martinez, a list of hundreds of pieces of City-owned properties that could potentially be used as shelters.

Therefore, to support the ongoing settlement negotiations, the Court reiterates its REQUEST that the City of Los Angeles and County of Los Angeles submit a Status Report listing all of the properties available for use as shelters for homeless persons. This list should include only those properties free of recognized environmental and health hazards, so that neither the parties nor the Court are caught off-guard by a property that turns out to be unusable due to some danger it presents.

IV. Request for Information re: Recreational Centers and Parks

To support the ongoing settlement negotiations in this matter and better ascertain the number of required shelter beds, the Court REQUESTS information from the parties as follows:

On April 22, 2020, Los Angeles City Council President Nury Martinez and Councilmember Joe Buscaino referred a motion document to the City Council, detailing the impact of using recreational centers and parks as emergency shelters during the COVID-19 crisis. In response, at its April 29, 2020 meeting, the City Council considered Item No. 20-0467, which is reproduced in its entirety below:

MOTION (MARTINEZ – BUSCAINO) relative to creating a plan to safely reopen the Los Angeles City Hall complex and recreation and parks centers after the COVID-19 subsides.

Recommendations for Council action:

1. INSTRUCT the Chief Legislative Analyst (CLA), in consultation with City departments and the Los Angeles County Department of Public Health, to report back with guidance on when to re-

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open the Los Angeles City Hall complex and recommendations on how to re-open. The report should include circumstances and conditions that are necessary to allow the public to return, the cost, if any, associated with these changes, as well as protocols and procedures to allow the City Council and City departments to safely interface with the public, constituents, and customers.

2. INSTRUCT the CLA and the Department of Recreation and Parks, in consultation with the Los Angeles County Department of Public Health, to report back with guidance on when to re-open park facilities to the public, recommendations on how safely to do so, a strategy on transitioning the parks serving as shelters back to recreation centers, and the cost associated with this plan. In addition, the report should outline circumstances and conditions that are necessary to allow the public to return to recreation centers as well as protocols and procedures to allow City staff to safely interface with the public.

The Los Angeles City Clerk’s “Council File Management System” represents that the “Council adopted [this] item forthwith,” and shows a status of “Council action final” as of April 30, 2020.

To facilitate the ongoing settlement negotiations, the Court hereby REQUESTS that the report to be provided by the CLA and the Department of Recreation and Parks, in consultation with the Los Angeles County Department of Public Health, be shared with the Court. The City and County may provide this report to the Court confidentially, if so desired.

V. Scheduling Notice re: Status Conference

The Court hereby SCHEDULES a Status Conference for Wednesday, May 13, 2020 at 10:00 a.m. In order to comply with the Central District of California’s Continuity of Operations Plan and other public health guidance, the settlement negotiations shall be held at the Alexandria Ballrooms, 501 S. Spring St., Los Angeles, CA 90013, or another location designated and agreed upon by the parties.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: djl for kd